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Recorded at request of State Dept of Highways Fee Paid \$7.00 fee  
Date APR 30 1974 at 1:48 P.M. MARGUERITE S. BOURNE Recorder Davis Count  
by Tracy Don Sweden Deputy Book 538 Page 646

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A.G. 1939

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

----- *Key 5-B*

UTAH STATE ROAD COMMISSION,	:	
Plaintiff,	:	ORDER OF IMMEDIATE OCCUPANCY
-vs-	:	
SETH L. STEWART and ALEXIA	:	Civil No. <u>18939</u>
N. STEWART, his wife,	:	Project No. I-15-7(21)320
Defendants.	:	Parcel No. 49B:A

The plaintiff's motion for an order of immediate occupancy

having come on regularly for hearing before the above entitled court on the 16<sup>th</sup> day of April, 1974, at the hour of 12:00 a.m., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the plaintiff in support of such motion and have determined that the plaintiff has the rights of eminent domain, and that the purpose for which the premises sought by the complaint herein to be condemned is a public purpose and that the immediate occupancy of said premises is necessary and proper,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the defendants above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are sought, all such property easements or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and

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described in the complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereby annexed, and the plaintiff is hereby permitted to take immediate possession of said properties of said defendants as required and as described and as set out in the plaintiff's complaint and to continue the possession of the same pending further hearing and trial on the issues that may be raised in this action and to do such work thereon as may be required for the purposes for which said premises are sought to be condemned and according to the nature thereof.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, the plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, that prior to the destruction or removal of any fence on or along the property condemned, the plaintiff shall make adequate provisions for a fence along the highway right of way so as to provide fencing protection to the properties affected hereby at least equal to that now provided for each of such properties.

IT IS FURTHER ORDERED AND ADJUDGED that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions herein set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff or any of the agents, employees or contractors of the plaintiff in the occupation of said premises required by plaintiff as particularly described and set forth in plaintiff's complaint, or in the doing of such work thereon as may be required for the purposes for which it is sought to condemn the said property, as set forth in said complaint.

This order shall not be effective until the plaintiff

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herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, the full dollar amount of the approved appraisal of the defendants' property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ration to which entitled.

Dated this 16<sup>th</sup> day of April, 1974.

*H. Thornley K. Swan*

DISTRICT JUDGE

STATE OF UTAH  
 County of Davis

I RODNEY W. WALKER, County Clerk and Ex-officio Clerk of the District Court of the Second Judicial District of the State of Utah, in and for the County of Davis, County of record, do hereby certify that the foregoing copy of Order of Appraisal has been by me compared with the original thereof now of record in this office and that the same is a full, true and correct transcript herefrom and of the whole of said original as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16 day of April A.D. 1974.

RODNEY W. WALKER  
 Clerk

*Madison T. Musworth*  
 Deputy Clerk

File No. 18939  
 Original Filed April 16 1974

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HIGHWAY PROJECT NO. 1-15-7(21)320  
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RECORDED OWNER:	Seth L. Stewart and Alexia N. Stewart, his wife
ADDRESS:	408 West 200 North, Kaysville, Utah
LIEN HOLDER:	None of record
APPROVED APPRAISAL:	\$2,000.00
<u>Parcel No. 15-7:49B:A</u>	

The owners of an entire tract of property situate in Lot 1 of Block 5, Plat B, Kaysville Townsite Survey, in Section 34, T. 4 N., R. 1 W., S.L.B.&M., in Davis County, Utah, do hereby release and relinquish to the State Road Commission of Utah, any and all rights of access over and across the south and a portion of the west boundary lines of said entire tract, which south boundary line is the north right of way line of the existing 200 North Street. Said south and west boundary lines and said north right of way line are described as follows:

Beginning at the SE. corner of said Block 5; thence West 1.95 chains; thence North 52 ft., more or less, along said west boundary line, to a point 90.0 ft. perpendicularly distant northeasterly from the center line of Ramp No. 2 of said project.

Prepared by JFV, 3-7-74